

MINUTES

1. Call to Order

Mayor Nabours called the Special Work Session of the Flagstaff City Council of October 19, 2015, to order at 4:05 p.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

3. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

PRESENT

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

ABSENT

COUNCILMEMBER EVANS

Others present: City Manager Josh Copley and Senior Assistant City Attorney Kevin Fincel.

Mayor Nabours stated that the discussion on disabled parking will be happening at a later meeting. The parking discussion at this meeting will include parking in front, side and back yards along with residential on-street parking, RV parking, and overnight parking in commercial lots. Vice Mayor Barotz stated that there were people at the meeting that would like to speak about disabled parking. Mayor Nabours stated that they can speak to those items but he wanted the public to know that staff would likely not be discussing disabled parking this evening but rather at a later meeting.

Mayor Nabours stated that the Council will hear and discuss Item 6 first. He also stated that the meeting will end at 6:30 p.m. with any remaining discussion being postponed to a later meeting.

4. Policy Discussion on Proposed Amendments to Zoning Code Chapter 10-30 (General to All).

Discussion postponed to a later date.

5. Policy discussion on proposed amendments to Chapter 10-40 of the Flagstaff Zoning Code.

This item was taken after Item 6.

Mr. Eastman stated that there are a number of policy questions related to this chapter and asked if Council would like to address items of their interest first.

Councilmember Oravits stated that he would like to discuss the Community Commercial zoning in Sunnyside. Mr. Eastman stated that the lower part of the Sunnyside Neighborhood is zoned Community Commercial (CC) and yet the majority of the land use is single family homes and sometimes duplexes. The zoning code says that a residential use can exist in the CC zone provided that it is located either above the commercial use or behind it. Additionally they must go through the planning and zoning process to obtain a Conditional Use Permit (CUP). It is timely and expensive for a single family home to go through the planning and zoning process and it is really unnecessary. Staff has heard from developers of small projects in this area that they really want to be able to do duplexes and single family homes. Staff has examined the issue and has developed a recommendation that single family homes in the CC neighborhood will now be permitted with a building permit.

Councilmember Oravits stated that he likes the idea of having single family homes south of 6th Avenue but would also like to see a multi-family option as well. Mr. Eastman stated that allowing duplex developments are part of the amendments and two units or less developments are permitted in the CC zone by right. Councilmember Oravits stated that the challenge is north of 6th Avenue where the process is much easier and the setbacks are different. Mr. Eastman explained that south of 6th Avenue is zoned CC and north of 6th Avenue is zoned High Density Residential and that is why there is a difference in the standard. Mr. Eastman also noted that the intent of the proposed amendments is to allow up to two units in the CC areas thus allowing for a duplex situation. Current Planning Manager Mark Sawyers added that the intent is to allow single family and multi-family dwellings should they meet the standards. More dwelling units could be allowed with a CUP. There are areas where two single family units could be constructed on one lot and still meet the standards.

Jeff Knorr addressed Council in support of single family options in the CC zone north and south of 6th Avenue. Many lots are big enough to accommodate two dwellings and allow for off street parking.

Mayor Nabours stated that it appears that staff sees some merit in the argument. Mr. Eastman agreed stating that he feels staff and Mr. Knorr are on the same page and the proposal takes many of the same elements into consideration. He offered to put together a short memo that lays out the old code in comparison to what staff is proposing with the amendments.

Greg Pishkur addressed Council and echoed Mr. Knorr's comments stating that developers want to build without going through the CUP process in the CC area and asked that the process be eliminated north of 6th Avenue as well.

William Ahern addressed Council requesting a change to Specific Zones in chapter 10-40-30.040 regarding microbreweries and distilleries as a permitted use. Currently breweries and distilleries can be in highway commercial, commercial service, and commercial business zones and in those zones, breweries and distilleries can have a tasting room and sell off premise. The concern is for breweries and distilleries in the industrial zones; breweries and distilleries in these areas are only allowed to brew, no tap rooms or tasting is allowed. This is

detrimental to the two microbreweries currently in the industrial area as it is an integral part of the business. Tastings are done outside of the regular production days and are open for a couple of hours in the evenings a few nights a week. He asked that the Council consider allowing for tasting capabilities in the light industrial zones.

Councilmember Oravits asked Mr. Ahern to describe the tasting process. Mr. Ahern stated that the business can have the option of providing or selling a sample to the public as they come into the business. Additionally, they would be allowed to have off-premise sale where the product can be purchased for consumption off-site.

Marilynn Weisman addressed Council asking for clarification on dormitories and if they would still require a CUP. She also asked for clarification on the CUP process.

Mayor Nabours asked staff about multi-family structures that are rented by the room. Mr. Eastman stated that the current zoning code has a term called rooming and boarding facility which lumps together dormitories, fraternities and sororities and single-room occupancy. The recommendation is to separate the three uses because they are truly different uses. Dormitories in all commercial zones still require a CUP. The single-room occupancy, fraternities and sororities will also require a CUP. In the estate residential and manufactured home zones dormitories would not be a permitted use.

Councilmember Putzova asked if dormitory residents must be students in order for it to be considered a dormitory. She does not feel that it is the best way to define a dormitory if the definition is driven by who lives in that type of dwelling. Mr. Eastman stated that the definition is the traditional definition of student and faculty housing. He stated that a number of projects have come forward that are marketed to students that are not dormitories but apartments and that is where there has been some confusion. Councilmember Putzova stated that the public still thinks about these student housing projects as dormitories even though they are living in apartments. She wants to make sure that there is a clear understanding about what dormitories actually are. She would like a better understanding of what triggers a facility to be a dormitory. Mr. Eastman explained that the primary part of the dormitory definition is individual rooms with communal gathering areas; the second part is that it is associated with an educational facility or employment.

Councilmember Overton stated that it clarified well the dormitory being the communal living situation. If it is an apartment building that is leased as apartments with separate sleeping quarters for each tenant, it is still an apartment. The definition more clearly articulates the tie to an institution for dormitory housing. He stated that he wants to avoid getting into the lease arrangements when defining an apartment or dormitory; the City is controlling the dwelling type, not the lease arrangements.

Marilyn Weisman addressed Council and stated that the objection to this is that the leasing arrangement is relevant. The public does not know if they are getting an apartment with permanent residents or a fluctuating transient population of students. She feels that the public should have a right to comment on these types of developments during a CUP process.

Mayor Nabours asked Ms. Weisman if she feels there is a distinction between having a three bedroom apartment in an apartment building that is rented out as a whole versus renting out the rooms individually. Ms. Weisman stated that she does feel there is a distinction because they operate as they lease; there is a difference between sub-letting and a corporation that does student housing off campus. It is the public's right to know what is being established. It is also potential renters' right to know if they are renting in a transient building.

Vice Mayor Barotz asked Ms. Weisman how she feels the City should regulate this type of housing. Ms. Weisman stated that it should be done as single room occupancy, renting by the bedroom and allotting parking for each room. There also needs to be a CUP if the units are rented by the room versus rented by apartment. Vice Mayor Barotz asked Mr. Eastman to give an example of single room occupancy. Mr. Eastman stated that the definition has been updated to be consistent with what other cities and towns are using. Single room occupancy units are rented on a weekly or monthly basis versus a one or two year lease.

Planning Director Dan Folke stated that a lot of this discussion is relevant to the work being done by the Student Housing Work Group. The group is developing a new term of High Occupant Housing and how those projects should be handled. The Council will be seeing some suggestions from staff in the near future to this regard. Currently, the City has multi-family housing and room and boarding and the difference between the two is how the property is leased. Under room and boarding they are required to get a CUP. For example, there are currently two projects at various stages of design, one is leasing by the unit and is not required to obtain a CUP; the other is leased by the room and they are required to have a CUP. It is a question up front during development review on how the property will be leasing. Looking to the future, and what the Council will likely be hearing from the working group is the idea of creating a new type of project called High Occupancy Project. Different thresholds will need to be identified for density, or number of units or number of rooms and treat them with specific standards and requirements. Vice Mayor Barotz asked if the creation of this new type of category will undermine or be inconsistent with what the Council is trying to do now with the existing code. Mr. Folke stated that it is hard to say what the outcome of the working group will be in regards to the High Occupant Housing discussion. One of the recommendations could be that there should be a community plan for High Occupancy Housing and that would be another long community process but a plan could be developed and standards applied that can be worked into the existing code.

Vice Mayor Barotz stated that experience is showing that the way the rooms are leased results in a different impact. There are apartment complexes around Flagstaff where students live but it was not until developments like The Grove came in that the conversation about student housing began. Mr. Folke noted that he believes that it is more about the density and intensity of the projects and not so much about who is living there; rather how many are living there.

Councilmember Putzova indicated that she feels that the discussion is tied to how the housing and development is being marketed. It is a very different project than multi-family or single-family housing. She would like to see single room occupancy incorporated into the projects so there can be some control with the CUP. Mr. Folke stated that this is the direction the Student Housing Work Group is going in terms of defining what rules apply to what projects. However, the rules that are in place at the time of development submission are the rules that the developer must adhere to, the City cannot change in the middle of the process.

Mayor Nabours asked for more information on why a church would not be allowed in the LIO zone. Mr. Eastman explained that the Regional Plan has had goals and policies protecting the industrial zones from encroachment from other uses; the purpose being that those zones are high employment generated areas. The zoning code has limited the amount of retail, commercial and lodging type of uses. The same logic applies to meeting places and places of worship, they should be in places that are easily accessible and outside the industrial areas that tend to be less aesthetic and accessible.

Mayor Nabours indicated that it is just after 6:30 p.m. and another meeting will be scheduled to continue the discussion on the proposed amendments. He stated that the public comments were extremely helpful and he looks forward to more comments at the upcoming meetings.

6. Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (Supplemental to Zones), particularly Division 10-50.080 (Parking Standards).

Comprehensive Planning and Code Administrator Roger Eastman stated that the parking issues that the Mayor introduced are found in chapter 10-50 of the Zoning Code. Parking is an issue that has been ongoing for some time; specifically parking in residential zones. With the cost of living in Flagstaff, more and more people are living in a single residence and often times there are four to six people living in a home together which leads to a need for more parking. Currently, vehicles can be parked in the garage, on the driveway and behind the house line on the interior side of the yard and in the back yard.

Staff have developed four options based on what occurs today. Option 1, Planning and Zoning Commission's recommended option, would allow parking into the side yard with a six foot screening fence installed on the rear or side property line. Option 2 would allow parking in the front yard. Option 3 would allow parking in the front and side yards. Option 4 would allow parking on side yards. All four options would include the screen fencing requirement.

Mr. Eastman further explained that the parking issues are compounded with short term parking and long term storage of RVs, boats and trailers. The policy question for the Council is whether to keep the current zoning, chose one of the presented options, or develop another option not already presented. Additionally, the Council will need to decide what changes, if any, need to be made to the code with regards to RV, boat, and trailer parking.

Councilmember Overton asked where RV parking can occur in the current zoning conditions. Mr. Eastman explained that the code says RV's may be stored in the rear interior side and it also says that parking and/or placement in any zone is prohibited.

Councilmember Oravits stated that freeing up some parking options is important and stated that Option 1 seems reasonable to him.

Vice Mayor Barotz stated that she feels Options 2 and 3 should be removed as they are not conducive to the beauty of Flagstaff; all of Council agreed with this suggestion.

Mayor Nabours asked for the current rule on parking a boat or RV on the street. Mr. Eastman explained that from April 1 through November 1 vehicles can park on street so long as they are licensed and operable. Mayor Nabours asked if there is any consideration to this rule and the size of the street. Mr. Eastman stated that there are some streets that are narrower than others; so long as there is access the City allows parking.

Councilmember Overton asked if there was any discussion with Option 1 about looking at the Engineering Standards for curb, gutter and sidewalk modifications or would the existing approach continue to be used. Mr. Eastman stated that there were no specific questions from the Planning and Zoning Commission about the Engineering Standards.

Vice Mayor Barotz asked how high the fencing is allowed to go in the residential areas. Mr. Eastman stated that in the rear yard the fencing can be up to six feet high, the exterior side yard is three feet high and the interior side yard is three feet to six feet high.

Councilmember Putzova asked about the short term parking of RVs and boats and how that time frame is enforced when the vehicle may leave the property for a day or two then returned. She also asked how the five day limit was determined. Mr. Eastman stated that the five days was determined by a compromise of staff and it being a standard work week. The issue would

rely on citizen complaints and the Code Enforcement team will begin documenting the violation and working with the property owner to find a solution.

Mr. Eastman explained that a big issue is overnight parking in commercial lots. The current code prohibits the overnight parking of RVs in commercial parking areas. Council discussed this issue not too long ago and the Police Department explained enforcement issues with the code. Since that time staff has discussed the issue with the Police Department and the Planning and Zoning Commission and the recommendation was to not allow overnight parking/camping in commercial areas or allow it but put restrictions in place that determine when they have to leave. This is what is being recommended by the Planning and Zoning Commission. Mr. Eastman clarified that overnight parking would only be allowed in these areas so long as the property owner permits it.

Vice Mayor Barotz asked for clarification on the kinds of standards or limitations being referred to. Mr. Eastman stated that if the property owner permits, the occupancy would need to be posted, no more than one night allowed, vehicles must be removed from the area before 10:00 a.m. and the area must be left clean and sanitary.

Councilmember Putzova referred back to the screening requirements and asked if the screening fences to screen vehicles can only be the length of the vehicle. Mr. Eastman stated that if the vehicle is going to be parked on the interior side yard there must be screen fencing along that side of the property. Councilmember Putzova asked for the required standards of the fencing. Mr. Eastman stated that it just indicates a six foot high screening fence. Councilmember Putzova stated that she feels that the fencing is important to maintain the appearance of the neighborhood and better guidelines and restrictions on the type of fencing should be in place.

The following individuals addressed Council in regards to disabled parking:

- Shari Peralta
- Kaitlyn Verfueth

The comments received were as follows:

- There are issues with disabled parking downtown.
- The discussion will be for a reduction of accessible spaces by quantity and size.
- Please continue the 2011 parking ordinance that raises the minimum standard to above the ADA policy.
- The community is thankful for the number and size of parking spots that are designated for accessible parking but more spaces are needed.
- It has become a real challenge to park and patron downtown due to the lack of accessible parking.

Patrick Hurley addressed Council with concerns about the proposed changes to the residential parking and suggested that there be some exceptions granted after review of individual circumstances.

Councilmember Overton stated that there may be some instances where a community's CCR's conflict with the City Code. Mayor Nabours suggested removing the fence requirement from the proposal; it may be a way to allow another driveway but avoid fencing issues that are found in many communities.

Councilmember Overton stated that he would like to distinguish between an active vehicle and long term vehicle storage. He feels that long term storage, even with fencing, should not be allowed in the R1 residential zone. Mayor Nabours agreed stating that if there is no clarification

on what can be put there it will likely become a storage area. Mr. Eastman stated that the current code does allow for any number of vehicles to be parked in the green area and there are very few complaints about these vehicles in the back. The issues are more with vehicles parked in the front areas of the property and he would caution against taking away something that is in place without issues. Mayor Nabours suggested going with Option 1 but allowing automobiles only with no screening requirements.

Councilmember Putzova asked how it will be defined that a vehicle is used versus being stored or permanently parked. If vehicles will be allowed in that area it is to be expected that an unused vehicle could be stored there. Mr. Eastman explained that there is existing code language that can address the issue.

Mr. Eastman asked if the recommendation of five days for occupancy of a visiting RV is acceptable by Council. Council agreed with this recommendation.

Mr. Eastman then asked about an RV that is parked in the driveway throughout the summer months being periodically used. There is currently no standard for this kind of parking. Councilmember Putzova stated that she feels it should be treated the same way as if it was a visitor and allow for five days of parking. Vice Mayor Barotz agreed with that recommendation and suggested adding that the RV could be moved to the back of the property for storage after the initial five days. The Council agreed to this recommendation.

A break was held from 5:25 p.m. through 5:32 p.m.

7. Adjournment

The Special Work Session of the Flagstaff City Council held October 19 2015, adjourned at 6:36 p.m.

MAYOR

ATTEST:

CITY CLERK